REMARKS

Claims 38-43, 45-53, and 56-57 were examined. Claims 38-39, 42-43, 45-50, 52-53, and 57-58 remain in this application. Claims 40-41, 51, and 56 are cancelled without prejudice or disclaimer by this amendment. Claim 38 is amended to incorporate the subject matter of cancelled claim 41 and amended claim 52. Claim 58 is added. Support can be found at page 7, lines 5-8 of the specification.

Further minor editorial revisions have been made to the other claims to better conform to U.S. claim form. Such revisions are non-substantive and not intended to narrow the scope of protection.

No new matter is believed to be added to the application by this amendment.

Claim Rejections - 35 USC § 103

Claims 38-43, 45-53, 56 and 57 were rejected in the Official Action as allegedly being obvious over the proposed combination of Trockels et al. (DE 4222676 A1)(hereafter "Trockels") in view of Liotto et al. (U.S. 4,644,858)(hereafter "Liotto"). That rejection is respectfully traversed, for the following reasons.

The Office Action asserts that Trockels discloses one-piece construction of hollow piece of baking pan made from an elastomer material, such as silicon rubber or TEFLON,

wherein such flexible baking pan surrounds the removable plate shaped base 3, wherein the base plate 3 is made of metal especially iron, tin, zinc, aluminum, tin-plate or stainless steel and may be coated with silicon, PTFE, or silicon rubber, thus the base plate 3 may be used as a rigid plate-shaped stiffener as claimed.

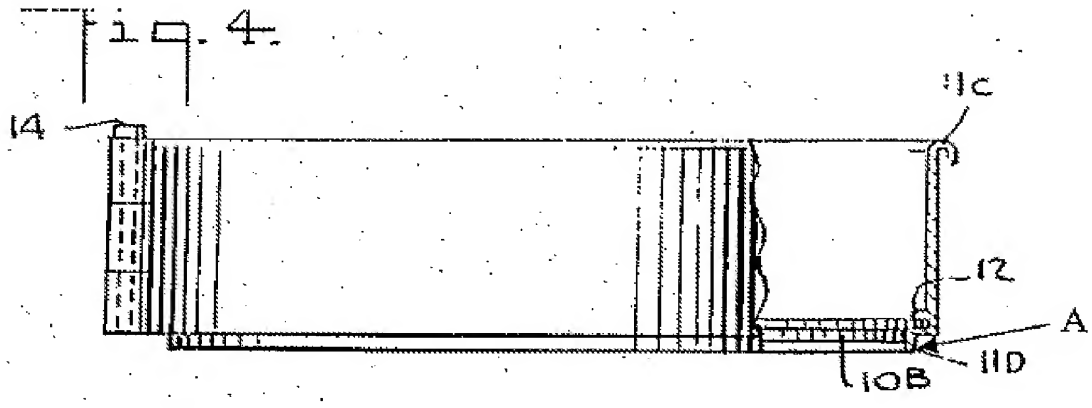
However, according to the Office's assertion, the base plate 3 of Trockels is not only made of a flexible material like silicon rubber but also made of metal. Trockels further discloses in col. 3, lines 46-48 that the base plate 3 can be made of metal but the interior surfaces of the base plate 3 and the side edge 4 (upright sidewall) can be covered with a silicon layer. Thus, one of ordinary skill and creativity would not produce a claimed embodiment of the present invention, a flexible one piece construction of hollow piece of baking pan made from an elastomer material, from a knowledge of Trockels.

Moreover, Liotto discloses a rigid mould having a split cylindrical shell 11 formed by complementary arcuate sections 11A and 11B articulated to each other by a vertical hinge. The cylindrical shell 11 comprises a circular bead 12 and a ring 11D defining a circular inner groove 13 adapted to receive lip 10C of base 10 to form a leakproof seal. See col. 3, lines 23-44. Further the mould of Liotto is made of

POLYLITE which is a flexible material according to the document provided by the Office.

However, Liotto fails to disclose that the flexible lower lip is a ring-shaped wall having an upper surface presenting a shouldering which makes thicker in the peripheral portion close to the lower base of the side wall than in a central portion close to the hole. Liotto also fails to disclose the plate-shaped base stiffener having an annular step in order to follow the upper surface of the lower ring-shaped wall.

Rather, as depicted in Fig. 4, Liotto discloses that the upper surface of the ring 11D is plane. The ring 11D includes a vertical flange A projecting from its lower surface and perpendicular to the lower surface. The ring 11D has a constant thickness from the side wall of the cylindrical envelope to the vertical flange A.



However, as disclosed at [0021] of the present specification, in order to achieve the stability of a

ring-shaped bottom made of elastomer and/or of the bottom plate under thermal stresses, the material bottom ring of the hollow piece should have different thicknesses. Particularly, when the temperature of the mould is high, the greater thickness of the lower lip in the vicinity of the side wall makes it possible to mechanically reinforce the lower lip when it supports the plate. The lip is softer at high temperature than at room temperature. This greater thickness makes it possible to ensure a mechanical stability during the withdrawal of the mould out of the hot furnace. The lip continues to support the plate effectively. It is thus possible to withdraw the hot mould. The lower lip, however, is thinner in the central part close to the hole; it enables to withdraw the plate easily from the groove.

Therefore, it is clear that Liotto fails to teach the claimed lower lip structure as noted above. Accordingly, the one of skill in the art would not produce the present invention from a knowledge of Trockels and Liotto. A *prima facie* case of unpatentability has thus not been made.

Claims 38-43, 45-51, 56 and 57 were rejected in the Official Action as allegedly being obvious over the proposed

combination of Rade (U.S. 1,531,569) in view of Llorente Hompanera (U.S. Publication Application No. 2001/0043977). That rejection is respectfully traversed for the following reasons.

Rade discloses an outer shell 10 or a ring with an outturned flange 11 on its upper edge and inturned flange 12 at its lower edge. The flange 12 is of sufficient depth to support a bottom plate 3 which is removable through the top of the ring 10. The plate 13 is provided at suitable intervals with notches 14 adapted to receive studs 15 which are preferably pressed inwardly from the ring 10 near its lower edge in position to hold the plate 13 flat upon the flange 12. See, col. 1, line 53 to col. 2, line 67.

Rade also discloses that in order to assemble the plate 13 on the ring 10, the notches 14 are introduced through the respective studs 15 of the ring 19, and the plate 13 is slid or turned upon the flange 12 so as to dispose the uninterrupted edge portion of the plate beneath the studs 15 to lock the plate in the ring. See, col. 2, lines 90-98.

Contrary to the position taken by the rejection, Rade fails to disclose an upper lip defining with a lower lip, a radially opened groove, and the plate which is pinned against the lower lip by the upper lip as claimed in claim 38.

Although Rade discloses an inturned flange 12 at its lower edge, it fails to disclose an upper lip which extends

radially, but rather discloses a stud having a different structure. The stud in Fig. 1 apparently has the shape of a cylinder. Thus, the space between the stud and the inturned flange cannot be regarded as a groove which extends radially.

Rade also fails to disclose flexible lips and the plate-shape base stiffener which is removably clipped into the groove as claimed in claim 38.

The flexibility of the lips in the present mould makes it possible to clip the plate into the groove. The plate can be easily inserted in and released from the groove. Once inserted in the groove, the plate is pinned between the flexible lips in a stable and tight manner. The flexibility of the upper lip makes it possible to apply strength against the plate to maintain it effectively.

Llorente Hompanera merely discloses the use of silicone in a mold for culinary preparation, which thus utilizes the flexibility of silicone as an alternative mechanism for facilitating the removal of the baked good from the mold.

Further, neither Rade nor Llorente Hompanera teaches the claimed lower lip structure as noted above.

Thus, the one of skill in the art would not produce the present invention from a knowledge of Rade and Llorente Hompanera. A *prima facie* case of unpatentability has thus not been made.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance with claims 38-39, 42-43, 45-50, 52-53, and 57-58, as amended. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,
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